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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/614,138

07/07/2003

Tom Evslin

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EXAMINER

DOAN, KIET M

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

06/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/614,138

Applicant(s)

EVSLIN, TOM

Examiner

Kiet Doan

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-21, 26, 27 and 66-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-21, 26, 27 and 66-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This office action is response to Remarks file on 03/14/2007.

Claims 22 cancelled.

Claims 18, 26, 66 are amended.

### *Response to Arguments*

1. Applicant's arguments filed 18, 26, 66 are have been fully considered but they are not persuasive.

In response to applicant's argument that either of reference contain the term "out of band" or "band" that show or suggest out of band signaling according to the invention.

Examiner respectfully disagrees and the rejection is base on broadest and according to specification described in page 11, line 16-17 that teach, "**out of band signaling such as SS7**". Therefore, in Pirkola teach "wherein the signals are received using out of band signaling" (C7, L20-34, 60-67, C8, L1-10, Fig.2, Illustrate Gateway Function 210 wherein connected to PSTN 240 and cellular network 260 typically use common channel signaling base on SS7, to make more clear see C8, L45-47. That is, Pirkola does not mention "out of band" or "band" but teach PSTN/Cellular network using SS7 as signaling which conclusion and teaching of specification).

Therefore, examiner interpreted "wherein the signals are received using out of band signaling" as broadest reasonable interpretation and it is proper.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**Claims 18-21** are rejected under 35 U.S.C. 102(e) as being anticipated by Pirkola et al. (Patent No. 6,611,516).

Consider **claim 18**. Pirkola teaches a device for use in a cellular network comprising means for completing an incoming call to a wireless cell phone via the cellular network if the cell phone is not roaming and means for forwarding the incoming call to a packet switched data network if the cell phone is roaming to an area covered by an IP network (Abstract, C4, L10-34, C7, L10-34, Fig.2, Illustrate gateway function 210 as read on a device wherein provides wireless cell phone completed call if in roaming in either PSTN or MIPTN/(IP network)), wherein cell phone entry point signals are received using out of band signaling (C7, L20-34, 60-67, C8, L1-10, Fig.2, Illustrate Gateway Function 210 wherein connected to PSTN 240 and cellular network 260 typically use common channel signaling base on SS7, to make more clear see C8, L45-47. That is, Pirkola does not mention “out of band” or “band” but teach PSTN/Cellular network using SS7 as signaling which conclusion and teaching of specification

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Consider **claims 19, 21**. Pirkola teaches the device of claim 18 wherein the packet switched data network is the Internet (C6, L29-67, C7, 60-67, C8, L1-10, Fig.2, Illustrate and described).

Consider **claim 20**. Pirkola teaches the device of claim 18 further including a switch/server to receive signals indicating whether the cell phone is roaming (C7, L20-34, Fig.2. Illustrate Gateway Function 210 indicating whether the cell phone is roaming).

Consider **claim 22**. Pirkola teaches the device of claim 20 wherein the signals are received using out of band signaling (C7, L20-34, 60-67, C8, L1-10, Fig.2, Illustrate Gateway Function 210 indicated subscriber roaming out of band).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 26-27, 66-71** are rejected under 35 U.S.C. 103(a) as being unpatentable over Baumeister et al. (Patent No. 6,914,972) in view of Pirkola et al. (Patent No. 6,611,516).

Consider **claims 26, 66, 69**. Baumeister teaches an adapter comprising an IP interface having an IP address, a telephone interface for connecting to a phone having

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a telephone number, and software for forwarding incoming data from an IP network to said telephone by converting said incoming IP signals to telephony signals such that said telephone receives an incoming telephone call (Abstract, C3, L6-17, L30-57, Fig.1, Illustrate internet telephone adapter ITA which read on adapter wherein contain base unit that have software for forwarding incoming data from an IP network to said telephone).

Pirkola teaches wherein the data is received using out of band signaling (C7, L20-34, 60-67, C8, L1-10, Fig.2, Illustrate Gateway Function 210 wherein connected to PSTN 240 and cellular network 260 typically use common channel signaling base on SS7, to make more clear see C8, L45-47. That is, Pirkola does not mention "out of band" or "band" but teach PSTN/Cellular network using SS7 as signaling which conclusion and teaching of specification

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Baumeister and Pirkola system, such that adapter comprising an IP interface having an IP address, forwarding incoming data from an IP network to said telephone by and converting said incoming IP signals to telephony signals and wherein the data is received using out of band signaling to provide means for the flexibility and cost saving for the users when converting signal to SS7 signaling/out of band.

Consider **claim 27, 67, 68**. Baumeister teaches the adaptor of claim 26 wherein said adapter is integrated within said telephone (C3, L7-17, Fig.1, Illustrate and described).

Consider **claim 70**. Baumeister teaches the adapter of claim 69 further comprising an additional protocol translator for translating between a protocol utilized by a cellular network and a protocol utilized by an IP network (C3, L10-17, Fig.1, teach SP 2 as read on translating that set up link between a protocol utilized by a cellular network and a protocol utilized by an IP network).

Consider **claim 71**. Baumeister teaches the adapter of claim 70 further comprising software for automatically selecting between plural network interfaces (C7, L60-67).

### ***Conclusion***

**4. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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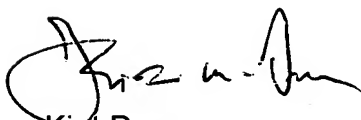
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863.

The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kiet Doan  
Patent Examiner

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER